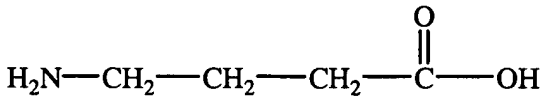
REMARKS

Applicant notes with appreciation the potential allowability of claims 4 and 14. With this amendment, claims 1-18 and 26-39 are pending in the application. Claims 19-25 have been canceled as directed to a non-elected invention. Applicant reserves the right to subsequently file to obtain protection for the claimed subject matter of claims 19-25. With this amendment, claims 1, 4, 11 and 14 have been amended and new claims 27-39 have been added. Support for these amendments is found in the claims as filed, and in regard to the amendments to claims 1 and 11 is also found in the specification at page 11, lines 11-19. As such, it is submitted that no new matter has been added to the application by way of this amendment.

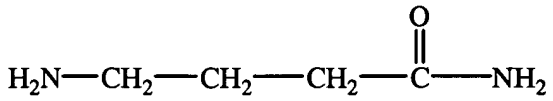
Applicant affirms that the subject matter of the various claims was commonly owned at the time of the invention. Currently, claims 1-3, 5-13, 15-18 and 26 stand rejected under 35 U.S.C. §103(a) over Aebischer et al. (U.S. Patent 5,474,547 A). Aebischer et al. is cited for teaching the alleviation of movement disorders associated with Parkinson's and Huntington's diseases through the administration of GABA, GABA agonists and GABA potentiators by implantation of devices. (Paper No. 01122004, page 3, last paragraph).

The pending claims in contrast to the teachings of Aebischer et al. involve the use of a different therapeutic agent. Additionally, the teachings of Aebischer et al. is consistent with the prior art reviewed in the specification at page 4, line 3 – page 5, line 13.

Aebischer et al. is submitted to teach the administration of GABA, GABA agonists and GABA potentiators. For reference, the structure of GABA is as follows:



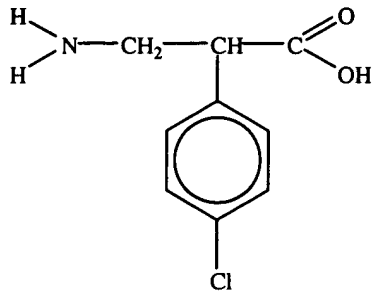
In contrast to Aebischer et al., the present invention claims the administration of gamma-aminobutyramide, and based on the species restriction, the analogs thereof. For reference, the structure of GABAmide is as follows:



As gamma-aminobutyramide (GABAmide) is a solubility product of GABA agonists, it is able to perform a therapeutic function without the side effects associated with the metabolites of GABA agonists. As Aebischer et al. fails to recognize the side effects and problems associated with GABA agonists that the present invention overcomes, it is submitted that the pending claims are nonobvious over Aebischer et al. Furthermore, the generic teaching of GABA, GABA agonists and GABA potentiators fails to recognize the therapeutic benefits associated with the administration of GABAmide and the analogs thereof.

In light of the above remarks, it is submitted that pending claims 1-3, 5-13, 15-18 and 26 are patentable over Aebischer et al. Withdrawal of the rejection as to these claims under 35 U.S.C. §103(a) over Aebischer et al. is respectfully requested.

Applicant filed a supplemental information disclosure statement on January 14, 2004. Applicant submits that the pending claims are patentable over the references disclosed within the supplemental form PTO-1449. The vast majority of these references are distinguished from the pending claims on the basis of not administering GABAmide and instead introducing baclofen, and in some instances doing so orally. Baclofen for reference purposes has the structure



The Bergmann reference (*Clinical Neuropharmacology* Vol. 8, pages 13-26) is different in relating to the delivery of progabide, the limitations of which and the motivation for the use of the present invention are detailed in the instant specification at page 7, line 9 – page 8, line 6 and page 11, lines 11-19. As the Bergmann article makes clear, progabide is metabolized to GABAmide which in turn after crossing the blood-brain barrier is further metabolized to GABA. As the specification makes clear, GABAmide lacks the insoluble 4-chlorophenyl-5-fluoro-2-hydroxyphenylmethanone ketone that causes side effects and the premature metabolism of which precludes intrathecal or parenteral administration.

Summary

Claims 1-18 and 26-39 are pending in the present application. Claims 1, 4, 11 and 14 have been amended. Claims 4 and 14 have been amended to place them in independent form and thereby withdraw the objection to them. New claims 27-39 which depend from now independent claims 4 and 14 are likewise believed to be in allowable form. Allowance of the pending claims and the passing of this application to issuance are solicited. Should the Examiner find to the

contrary, it is respectfully requested that the undersigned attorney in charge of the application be contacted.

Respectfully submitted,

Avery N. Goldstein

Avery N. Goldstein
Registration No. 39,204
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward, Suite 400
Birmingham, MI 48009
(248) 647-6000

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Janice R. Kuehn